THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.NO. 16514 OF 2006

DATED 09-08-2006

BETWEEN:

Singithi Mallesham

.. Petitioner

The State Election Commission
Rep. by its Commissioner and others.

.. Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.NO. 16514 OF 2006

ORDER:

Heard the counsel on record.

The writ petition is filed for a writ of mandamus declaring the action of the respondents in not taking action on the petitioner's representation dated 02.08.2006 requesting for recounting of votes and in recounting rejected and cancelled 16 votes in which two votes are counted in favour of 4th respondent as arbitrary, illegal, unjust and unconstitutional being violation of Article 14 and 21 of the Constitution of India and consequently set aside the declaration declaring the 4th respondent as Sarpanch of Ramlingampally Gam Panchayat, Bommalaramaram Mandal, Nalgonda Distict and pass such other suitable orders.

Several factual details had been narrated in the affidavit filed in support of the writ petition in paras 3 to 6.

Submissions at length were made that in the facts and circumstances of the case, the representation relating to the recounting of the votes writ petition can be considered. On a reading of the affidavit filed in support of the writ petition, this Court is satisfied that these are the facts which may have to be gone into in an election petition before appropriate election Tribunal. Liberty is given to the petitioner to question the same by way of election petition, the petitioner if so advised.

With the above observation, the writ petition is disposed of. No order as to costs.

_____

09-08-2006

Note: cc in 3 days

B/o kvrm